

REMARKS

Claims 1 – 13 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

DRAWINGS

The drawings stand objected to for certain informalities. In particular, the Examiner objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) because Figures 16 and 17 include reference characters not mentioned in the description. The Examiner has requested that the Applicant submit corrected drawings or amend the specification to add the referenced characters in the description. Applicant has amended the specification to include description to the description of Figures 16 and 17. Applicant respectfully submits that support for this addition can be found in the applications cited by the Applicant in the cross-reference to related applications section of the specification. In view of the foregoing, Applicant respectfully requests withdrawal of the objections to the drawings.

SPECIFICATION

The specification stands objected to for certain informalities. Applicant has amended the specification to address the objections. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 112

Claim 2 stands rejected under 35 U.S.C. § 112, second paragraph, as failing to comply with the written description requirement. In particular, the Examiner alleges that

the claims contain subject matter which is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors at the time the application was filed had possession of the claimed invention. Applicant respectfully refers the Examiner to the amendments to the specification in which description of Figures 16 and 17 has been inserted. In view of the foregoing, Applicant respectfully requests withdrawal of the rejection.

DOUBLE PATENTING

The Examiner objected to claims 1 and 3-13 under 35 U.S.C 101 as claiming the same invention as that of claims 1-11 of prior U.S. Patent No. 6,729,114. Applicant respectfully traverses the rejection.

Applicant respectfully refers the Examiner to Section 804 of the MPEP, 8th ed. page 800-20. The MPEP states that "35 U.S.C. 101 prevents two patents from issuing on the same invention." Same invention means identical subject matter. The MPEP refers to a reliable test for double patenting under 35 U.S.C. 101 as whether a claim in the application could be literally infringed without literally infringing a corresponding claim in the patent.

Applicant respectfully submits that the present claims do not cover identical subject matter to that presented in the cited patent. In particular, it would indeed be possible for a claim in the application to be literally infringed without literally infringing a corresponding claim in the patent. More particularly, the first element of the cited patent in claim 1 recites an interchangeable first electrical power source and a second electrical power source adapted to be exchanged with said interchangeable first electrical power source. The present claims, however, do not specify that the first

electrical power source is interchangeable, nor that the first electrical power source is interchangeable with the second electrical power source. In view of the foregoing, it would be possible for a claim in the application to be literally infringed without literally infringing the corresponding claim in the patent.

In view of this test suggested in the MPEP, Applicant respectfully submits that double patenting under 35 U.S.C. 101 does not exist. In view of the foregoing, Applicant respectfully requests withdrawal of the rejection.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Dated: Oct 13, 2004

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Respectfully submitted,

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